

Indiana Department of Education

Division of Special Education

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1807.01
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	September 24, 2001
DATE OF REPORT:	October 24, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 20, 2001

**COMPLAINT ISSUES:**

Whether the Gary Community School Corporation violated:

- 511 IAC 7-27-2(a) with regard to the school's failure to schedule the case conference committee (CCC) meeting at a mutually agreed upon date, time, and place.
- 511 IAC 7-27-2(c) and (d) with regard to the school's alleged failure to provide the parent with adequate written notice of the CCC meeting scheduled for September 26, 2001.
- 511 IAC 7-27-7(e) with regard to the school's alleged failure to have an individualized education program (IEP) in effect at the beginning of the school year.
- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's IEP as written, specifically:
  1. failing to provide transportation; and
  2. failing to provide an aide to escort the student between the school bus and the building.

**FINDINGS OF FACT:**

The student (Student) is 15 years old, is in the 9<sup>th</sup> grade, and is eligible for special education services as a student with autism, a severe mental disability, and a communication disorder.

The Complainant states that the principal unilaterally scheduled a CCC meeting for September 26, 2001. The School acknowledges that it did not provide the Complainant with a case conference notification letter. When the Student's therapist informed the complainant of the scheduled conference, the Complainant notified the assistant director that September 26, 2001, was not a mutually agreed upon date. After reviewing several dates, October 19, 2001, was then agreed upon for the case conference committee meeting.

On the IEP dated May 3, 2001, the Complainant checked: "I/We need further information before making a decision about agreement. Please contact me/us to schedule time for further discussion." The Complainant wanted assurance that the Student would have adult assistance continuously in the classroom, and did not sign the IEP dated May 3, 2001. The initiation date of the IEP dated May 3, 2001, was June 18, 2001. The School asserts that the May 3, 2001, IEP did not address a change of placement for the Student and, therefore, the goals and short-term objectives could be implemented. However, the School provided no documentation of the Student's previous IEP to demonstrate that the services and placement identified in the May 3 IEP did not constitute a

change in placement, thus negating the need for parental consent.

Page 9a of the IEP dated May 3, 2001, stated "Bus attendant must meet the Student at his door and escort him to and from the bus. He will receive bus transportation 2x every school day."

Complainant reports that there were a couple of days when there was confusion about the Student's transportation, subsequent to the Student being ill. However, the Complainant reports that those problems have been resolved, and the Student is being transported daily. However, the bus monitor is not walking the Student from the Student's home to the bus in the morning or from the bus to the Student's home in the afternoon as stated in the IEP dated May 3, 2001. The School provided no information on whether the bus attendant was escorting the Student as required.

### **CONCLUSIONS:**

Finding of Fact #2 establishes that the School unilaterally scheduled a case conference for September 26, that the Complainant did not receive a case conference notification letter regarding conference, and that the conference date was not a mutually agreed upon date and time. Therefore, violations of 511 IAC 7-27-2(a) and 511 IAC 7-27-2(c) and (d) occurred.

Finding of Fact #3 indicates that, although an IEP was developed on May 3, 2001, for the 2001-2002 school year, the parent did not consent to the IEP. Although the school asserts that parental consent was not required, the School provided no documentation to support its assertion. Because the School did not document its compliance, a violation of 511 IAC 7-27-7(e) occurred.

Finding of Fact #4 indicates that the bus monitor is not escorting the Student from his home to the school bus in the morning or from the school bus to the Student's home in the afternoon as required in the IEP dated May 3, 2001. Therefore, a violation of 511 IAC 7-27-7(a) occurred.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

### **CORRECTIVE ACTION:**

The Gary Community School Corporation shall:

1. send a memorandum to all staff who schedule case conference committee meetings stating that conferences must be scheduled on a mutually convenient date for CCC participants, and the CCC participants must receive adequate written notification of scheduled conferences. **The School shall submit a copy of the memorandum to the Division no later than November 9, 2001.**
2. reconvene the case conference committee to develop an agreed-upon IEP for the Student for the 2001-2002 school year. **The School shall submit a copy of the CCC Report and IEP to the Division no later than November 16, 2001.**

3. immediately ensure that the bus attendant escorts the Student between the Student's house and the bus both when being picked up and when being returned home. The School shall meet with the bus attendant, bus driver, and the Director of Transportation to remind them of the requirements of the Student's IEP regarding transportation. **The School shall submit a letter of assurance, signed by the bus attendant, bus driver, and Director of Transportation that the bus attendant will escort the Student between the Student's house and the bus as described in the IEP. The letter of assurance shall be submitted to the Division no later than November 2, 2000**

DATE REPORT COMPLETED: October 24, 2001